

**CALIFORNIA COASTAL COMMISSION**

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**Please note: this file also contains the other staff report for this item (re application no. A-1-FTB-99-006-A1); it directly follows this one.**

# F6a

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49 <sup>th</sup> Day:	May 16, 2001
180 <sup>th</sup> Day:	September 24, 2001
Staff:	Jim Baskin
Staff Report:	April 27, 2001
Hearing Date:	May 11, 2001
Commission Action:	

**STAFF REPORT:**  
**PERMIT AMENDMENT**

APPLICATION NO.:      **1-98-100-A1**

APPLICANTS:      **CALIFORNIA DEPARTMENT OF TRANSPORTATION  
(CALTRANS) DISTRICT 3**

PROJECT LOCATION:      Highway One Noyo River Bridge within the City of Fort Bragg, Mendocino County

DESCRIPTION OF PROJECT  
PREVIOUSLY APPROVED:      Replace the existing two-lane, 36-ft.-wide Noyo River Bridge with an 86.6-ft.-wide, 875-ft.-long, triple cast-in-place (CIP) concrete box girder bridge. The proposed bridge would accommodate four 12-ft. lanes, a 12-ft. median, 8-ft. outside shoulders with 6-ft. sidewalks placed on both sides. Construction of the bridge will require the installation and subsequent removal of temporary falsework and trestles involving: 1) the driving of approximately 224 temporary piers displacing approximately 2,000 sq. ft. of the river; and 2) constructing an approximately 30,000 sq. ft. temporary trestle for construction access.

DESCRIPTION OF

14,500 sq. ft. of the park's parking lot as a construction staging area to place a temporary office trailer, store materials, and fabricate bridge components; (3) designate approximately 1.25 acres of the Noyo River upland dredge spoils disposal basin as a construction staging area; (4) reconfigure the North Harbor Drive entrance to the park; and (5) temporarily reconfigure the existing 25 parking spaces in the western half of the Ocean Front Park parking lot to provide 21 spaces plus 2 handicapped spaces during construction.

**SUBSTANTIVE FILE  
DOCUMENTS:**

1. Noyo River Bridge Replacement Negative Declaration, Initial Study/Environmental Assessment (November, 1998);
2. Programmatic Section 4(f) Analysis for the Noyo River Bridge Replacement Project on State Route 1;
3. Project Scope Summary Report Structural Rehabilitation (Functional PSR).

**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the replacement of the Highway 1 bridge over the Noyo River within the City of Fort Bragg. The original permit was subject to ten special conditions and seven standard conditions. The conditions included the standard condition that all development must occur in strict compliance with the proposal as set forth in the application for permit. In addition, Special Condition No. 5 required the applicant to comply with all Mitigation Measures specified in the adopted Mitigated Negative Declaration attached as Exhibit No. 17 of the staff report for Permit Application No. 1-98-100. The bridge replacement project as originally proposed and permitted did not identify Ocean Front Park or the adjacent dredge spoils disposal basin for use as construction staging areas. Furthermore, the Mitigated Negative Declaration stated that Ocean Front Park would remain open during bridge construction, except for certain short-term, temporary closures of its North Harbor Drive entrance.

Caltrans now proposes to amend the bridge replacement project to specifically identify areas to be occupied and used for construction staging activities. Caltrans believes that establishing the staging area is a necessary feature which must be included in the Commission's permit authorization in order for the bridge replacement project to be feasibly conducted in a safe and efficient manner. A specific request for a staging area was not included in the original permit application. The amended project also proposes to close Ocean Front Park for use during the entire estimated 910-day bridge construction

period. The applicant states that their amendment request is also made in the interest of protecting public safety and maximizing construction site efficiency. After returning the park site to its original condition, the applicant proposes to upgrade several park facilities, including the restrooms, drainage culverts, vehicular accessways, and parking lot once bridge construction has been completed.

As part of the alternatives analysis submitted with the amendment request, Caltrans indicated that it would be feasible to keep the park open (except for the 14,500 square-foot staging area) for public access use during construction for all but four separate one-month periods and occasional intermittent closures of less than 30-minute duration, if the total construction period were extended by 10-20% (91-182 days). Caltrans does not favor this alternative because of the longer construction period required. Caltrans also points out that closing the park for the entire construction period would minimize the total length of time that the project would be affecting public access use of the park, either by partial occupation of the park for the staging area or by temporary closures.

The originally approved bridge replacement project included the placement of a total of approximately 3,600 square-feet of fill in the river for construction of bridge footings and revetment. The proposed use of portions of Ocean Front Park for construction staging and closure of the rest of the park to public access are direct environmental effects of this fill project as proposed to be amended. Section 30233 of the Coastal Act requires that a proposed fill project can only be approved if the project involves the least environmentally damaging feasible alternative. Staff believes that the alternative of keeping the park open during the construction period, even though it would extend the total construction period by 10-20% is the least environmentally damaging feasible alternative. Furthermore, this alternative maximizes public access consistent with Section 30210, which states in applicable part that maximum access and recreational opportunities shall be provided consistent with public safety needs. In the staff's view, the effects of a longer construction period on public access are less significant than the effects of a complete closure of the park for nearly 2½ years. Ocean Front Park is a major recreational resource serving the Fort Bragg area, providing direct access to the river and ocean, a sandy beach, and significant views of the harbor, headlands, and the bridge itself. Therefore, the staff recommendation imposes conditions that would require Caltrans to follow the alternative that would keep all but the 14,500 square-foot portion of the park to be used as a staging area open for the entire construction period except for the necessary four 1-month closures over the extended 2¾ to 3-year construction period and occasional intermittent closures of the park entrance road of less than 30-minute duration. In addition, the staff recommendation requires Caltrans to submit for the approval and review of the Executive Director a revised Water Pollution Control Plan to include best management practices for avoiding polluted runoff from the proposed construction staging areas. Furthermore, the staff recommendation includes provisions requiring Caltrans to restore public roadways utilized for construction access to useable condition upon the completion of the project. As conditioned, staff believes the project as amended would remain consistent with the Coastal Act.

**STAFF NOTES:****1. Background**

On March 12, 1999, Coastal Permit No. 1-98-100 (Caltrans) was approved by the Commission with ten special conditions intended to address public trust concerns, environmentally sensitive habitat, public access, and visual, water quality, and other coastal resource issues. A copy of the revised findings for approval of the report containing the adopted special conditions is attached as Exhibit No. 11 of this report. Special Condition No. 1 requires clearance of the project from the State Lands Commission prior to issuance of the coastal permit. Special Condition No. 2 requires submittal of a copy of the approved Streambed Alteration Agreement issued by the California Department of Fish and Game for the project prior to commencing construction. Special Condition No. 3 requires the applicant to comply with the terms and conditions of the National Marine Fisheries Service (NMFS) Biological Opinion regarding the recommended marine mammal monitoring program (see Exhibit Nos. 15 & 16). Special Condition No. 4 requires that the temporary trestle system be constructed per the application and promptly removed upon project completion, along with pulling up all piles. Special Condition No. 5 requires the applicant to comply with all mitigation measures identified within the Mitigated Negative Declaration adopted for the project. Special Condition No. 6 gave the option to Caltrans to construct a public scenic viewing area at the Noyo Headlands or provide a \$1 million in-lieu mitigation fee that could be used by an approved third party to construct the viewing area or a similar public access improvement elsewhere in the Fort Bragg coastal zone to offset visual resource impacts of the replacement bridge. Special Condition No. 7 established that any future modifications to the replacement bridge, its railings, sidewalks, shoulders, traffic lanes, or median would require a permit amendment to be secured from the Commission. Special Condition No. 8 required that all construction debris be promptly removed from the site following completion of construction and disposed of at an authorized disposal site. Special Condition No. 9 requires the applicant to monitor and report on the condition compliance for a period of three years during and after construction. Finally, Special Condition No. 10 requires Caltrans to submit and receive approval from the Executive Director of a pollution prevention plan prior to commencing construction.

Upon satisfying all prior-to-issuance conditions, the coastal development permit was issued on March 25, 1999. Revised findings for the permit were adopted by the Commission on February 16, 2000. On February 9, 2001, all prior-to-commencement-of-construction conditions were satisfied. On October 10, 2001, citing changes in circumstances that would make construction of the replacement bridge under the terms of the existing permit infeasible, Caltrans applied for the subject permit amendment.

## 2. **Procedural Note.**

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it lessens or avoids the intent of the approved permit; unless (b) the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Regarding the first prong of these permit amendment acceptance criteria, the Executive Director has determined that the proposed amendment would lessen or avoid the intent of the originally approved permit with regard to coastal access and recreational facilities. The original permit issued by the Commission contemplated that: 1) only small portions of the Ocean Front Park parking lot directly adjacent to Pier 3 would be occupied by construction staging activities; and 2) Ocean Front Park would remain open for public use during construction of the replacement bridge, except for temporary, short-term closures. Accordingly, the proposed amendment request is not consistent with the intent of the originally approved permit as it would: 1) authorize occupation of a significant portion of the Ocean Front Park parking lot that would have been available for park users under the original permit; and 2) close access to Ocean Front Park for nearly a 2½-year period, reducing public access afforded under the original permit during bridge construction.

With respect to the second test, whether newly discovered material information has been presented which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted, the Executive Director has determined that the applicant has provided such previously unavailable information. The original permit application was prepared by Caltrans and considered by the Commission under an accelerated time schedule: Only 2½ months elapsed between when Caltrans submitted its application and the Commission took action on the permit. Permit processing had been driven by recognition of the compelling need to expedite permit issuance so that a crucial surface transportation structure could be replaced without delay. Specifically, the design of the existing bridge had been found to lack seismic integrity and posed an impending threat to public safety from potentially collapsing during a major earthquake. Accordingly, the original permit proposal focused on the coastal resource issues associated with the replacement bridge once built (i.e., visual and environmentally sensitive resource impacts) with less consideration being given to the construction phase activities.

Since the granting of the permit, Caltrans has awarded a contract to MCM Construction, Inc. to construct the replacement bridge. Although the bridge must ultimately be constructed to state and federal highway specifications, the contractor is granted significant latitude in the exact manner by which the bridge is to be constructed. In preparing its construction plans, the contractor subsequently discovered that several aspects of the construction scenario initially envisioned by Caltrans could not feasibly be

accomplished given the project's budget and site constraints. For example, the original scenario had not fully considered how some bridge components such as reinforcement bar caging for the replacement piers are bulky, relatively fragile structures that cannot easily be prefabricated elsewhere and transported to the construction site. They must be assembled in proximity to where they will be erected into place, taking up substantial area. In addition, trucks delivering other large bridge construction materials, such as steel beaming, piping, and pre-cast culverts, would similarly require significant area in which to have their cargo safely unloaded. Given the spatial confines around the Pier 3 site, persons traveling through the North Harbor Drive entrance into Ocean Front Park would come into close proximity to construction site hazards, raising safety concerns.

This situation caused Caltrans to reevaluate the construction logistics and determine that certain amendments to the permit were needed in order for the bridge replacement project to remain viable. In addition to needing to formally designate specific areas to be occupied as construction staging areas, Commission staff also discovered that certain crucial details regarding materials storage and fabrication operations had also been omitted from the original permit application's project description and consequently were not included within the scope of the Commission's authorization. For these reasons, Caltrans has applied for the subject permit amendment.

Therefore, based on the information presented by Caltrans and its contractor, and for the reasons discussed above, the Executive Director has found that the proposed amendment is based on newly discovered material information, which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted. Accordingly, the Executive Director accepted the amendment request for processing.

**3. Concurrent Review of Coastal Development Permit Amendment Request No. A-1-FTB-99-006-A1.**

The Noyo River Bridge replacement project is bisected by the boundary between the Commission's area of retained coastal development permit jurisdiction and the permit jurisdiction of the City of Fort Bragg. Accordingly, pursuant to Section 30600 *et seq.* of the Coastal Act, the applicant must obtain separate coastal development permits for each portion of the project lying within the two jurisdictions. Amendments to these permits are to be issued separately, each addressing only those portions of the original permit lying within the respective jurisdiction, if any, affected by the amendment. In this case, the proposed revised project entails changes to authorized development within both the Commission's original and appellate permit jurisdiction areas. Accordingly, the Commission must consider and take action on two separate, but functionally related permit amendments.

The applicant has submitted a site plan and related information that propose to amend the originally approved project description. For those portions of the bridge replacement project within the Commission's original permit jurisdiction, the revised site plan

proposes to: (a) close public access to Ocean Front Park for the full bridge construction period ( $\pm 910$  calendar-days); (b) utilize the eastern 14,500 sq. ft. of the park's parking lot as a construction staging area to place a temporary office trailer, store materials, and fabricate bridge components; (c) designate approximately 1.25 acres of the Noyo River upland dredge spoils disposal basin modify as a construction staging area; (d) reconfigure the North Harbor Drive entrance to the park; and (e) temporarily reconfigure the existing 25 parking spaces in the western half of the Ocean Front Park parking lot to provide 21 spaces plus 1 handicapped spaces during construction along the north shore of the Noyo River at the Highway 1 bridge crossing. All other issues of the proposed permit amendment concerning access to the Pier 3 construction site along North Harbor Drive and those portions of the staging areas within the City of Fort Bragg permit jurisdiction are addressed in the associated staff report for Coastal Development Permit Amendment No. A-1-FTB-99-006-A1.

#### **4. Impacts of Construction Traffic.**

In their letter of April 20, 2001 (see Exhibit No. 13), a concern was raised by the City of Fort Bragg regarding traffic congestion impacts that construction traffic may have on the Highway 1 and city streets. Although the project may adversely affect traffic flow, the congestion of streets within the City will not have a significant adverse effect on the public's ability to access the coast, because the impacts associated with the proposed development are temporary construction phase traffic impacts that will ultimately result in the safe ability of the public to access this area of the coast.

#### **5. Commission Jurisdiction and Standard of Review.**

The site of those portions of the proposed bridge replacement project subject to this coastal development permit amendment are located within the Coastal Commission's area of original or retained jurisdiction adjacent to the banks of the Noyo River, beneath and just downstream of the State Highway 1 bridge. Therefore, the standard of review is the applicable Chapter 3 policies of the Coastal Act.

#### **6. Scope.**

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources and achieve consistency with the Chapter 3 policies of the Coastal Act, and provides findings for conditional approval of the amended project. All other analysis, findings, and conditions related to the originally permitted project, except as specifically affected by the proposed permit amendment and addressed herein, remain as adopted by the Commission on February 16, 2000 [see Revised Findings Staff Report for Coastal Development Permit No. 1-98-100, dated January 21, 2000].

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**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:**

**Motion:**

I move that the Commission approve the proposed amendment to Coastal Development Permit No. 1-98-100 pursuant to the staff recommendation.

**Staff Recommendation of Approval:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve with Conditions:**

The Commission hereby approves the proposed amendment to the coastal development permit on the grounds that the development as amended and subject to conditions will be in conformity with the provisions of the Coastal Act. Approval of the permit amendment complies with the California Environmental Quality Act because all feasible mitigation measures and alternatives have been incorporated to substantially lessen any significant adverse impacts of the development on the environment.

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**II. STANDARD CONDITIONS:** See attached.

**III. SPECIAL CONDITIONS:**

**Note:** Special conditions Nos. 1-10 of the original permit remain in force and are included in Exhibit No. 11. Special Conditions Nos. 12-16 below, are additional conditions imposed as part of Coastal Development Permit Amendment No. 1-98-100-A1.

**12. Revised Water Pollution Control Plan for Park and Staging Areas.**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit a revised Water Pollution Control Plan for Ocean Front Park and the construction staging areas to the Executive Director for review and approval. The plan shall be designed to prevent polluted runoff or other waste materials from entering the Noyo River. All sources and



types of wastes and polluted runoff not previously addressed in the plan formerly approved pursuant to Special Condition No. 10 of the original permit (i.e., grading for park entrance road detour, dripping fuel and lubricants at the vehicular parking areas) shall be addressed in the revised plan. The plan shall be reviewed and approved by the project engineer to ensure the plan is in conformance with the engineer's recommendations. The plan shall include, but not be limited to, the following criteria and contents:

- 1) The revised plan control plan shall demonstrate that:
  - a. Runoff from all construction staging, fabrication, materials storage, parking areas, roadways and other impervious surfaces shall be collected and directed through a system of filters. The filter elements shall be designed to: (1) trap sediment, particulates, and other solids; and (2) remove or mitigate contaminants. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the construction site in non-erosive manner;
  - b. At least the following temporary erosion and sedimentation control measures shall be used during construction: straw bale barriers and silt fencing;
  - c. Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources through the use of re-seeding and mulching of bare soil areas with a native grass seed mix;
  - d. Run-off from the project site shall not increase sedimentation in waters of the Noyo River or the Pacific Ocean;
  - e. Best Management Practices (BMPs) shall be used to prevent entry of stormwater runoff into the construction site, the entrainment of excavated materials leaving the site, and to prevent the entry of polluted stormwater runoff into coastal waters during and following construction; and
  - f. The plan is not in conflict with the Discharge Permit Requirements of the Regional Water Quality Control Board, the California Water Resources Control Board, or the pending revised Biological Opinion and Incidental Take Statements of the National Marine Fisheries Service.
- 2) The revised plan shall include, at a minimum, the following components:
  - a. A narrative report describing all water pollution prevention, and run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control, referencing relevant best

- management practices (BMPs) as detailed in the "Amendment 1 Water Pollution Control Plan," as prepared by Guy Preston, PE, California Department of Transportation, dated January 14, 2001;
- b. Revised site plans showing the location of all approved construction staging areas, construction access corridor (North Harbor Drive), and erosion and pollution control measures, and the location of all permanent erosion control measures (i.e., parking lot culvert upgrades, revegetated areas);
  - c. A schedule for installation and removal of the temporary erosion control measures, and structural and non-structural BMPs; and
  - d. A schedule for installation and maintenance of the permanent erosion and water pollution control structural and nonstructural BMPs.
- B. The permittee shall undertake development in accordance with both the approved final plans for this permit amendment and the approved Water Pollution Control Plan for the original permit. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**13. Revised Revegetation Plan for Ocean Front Park and Staging Areas.**

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall submit, for the review and approval of the Executive Director, a plan for revegetating areas disturbed by the construction staging area use and construction of the modified entrance to Ocean Front Park. All project areas and types of ground disturbance not previously addressed in the plan formerly approved pursuant to Special Condition No. 11 of the original permit (i.e., grading for park entrance road detour) shall be addressed in the revised plan. The plan shall be prepared by a licensed landscape architect.

- 1) The plan shall demonstrate that:
  - a. All vegetation planted on the site will consist of native, drought-tolerant plants;
  - b. All planting will be completed within three (3) months after completion of construction;
  - c. All required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the revegetation plan; and

- d. The revegetation work conducted under the amended permit will be undertaken in coordination with and not conflict with the Noyo River North Bank Revegetation Plan approved for the original permit (Laura Lazzarotta, LA, California Department of Transportation, dated May 4, 2000).
- 2) The plan shall include, at a minimum, the following components:
  - a. A map showing the type, size, and location of all plant materials that will be placed on ground disturbed sites, the irrigation system, topography of the developed site, and all other landscape features;
  - b. A schedule for installation of plants;
  - c. Demonstration of how all non-native species will be prevented from establishing in the revegetation area during the first five years following planting; and
  - d. A monitoring program for the first five years following planting, wherein a monitoring report shall be submitted by September 1 of each year for the review and approval of the Executive Director of the Coastal Commission. The monitoring report will document the health of plantings and recommend any needed corrective actions to achieve compliance with the requirements of this condition.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**14. Limits on Construction Activities Within Ocean Front Park.**

- A. To avoid adverse impacts on coastal access and recreational uses, use of the construction staging areas at the Pier 3 site and the dredge spoils disposal basin shall occur consistent with "Option 3," as described in the letter from John D. Webb, Chief, North Region Environmental Services, California Department of Transportation, dated December 1, 2000. Specifically, public access to those portions of Ocean Front Park not occupied by the construction staging area via the North Harbor Drive entrance shall be maintained during all phases of construction, subject to the following allowances and conditions for periods of heightened public safety risks:
  - 1) Public access to Ocean Front Park via the North Harbor Drive entrance may be dosed during the erection and removal of falsework, and during bridge demolition, for no more than four (4) temporary closures not to exceed 35 consecutive days duration each;

- 2) At least two (2) weeks prior to the commencement of any scheduled closure of the park, pursuant to subsection 1) above, the permittee shall distribute information bulletins advising the public of the forthcoming closure date and duration. At a minimum, the bulletins shall be published as a public notice within a newspaper of general circulation serving the City of Fort Bragg area, broadcast as a public service announcement on local public access television, and prominently posted at the Ocean Front Park entrance; and
  - 3) Temporary closures of the North Harbor Drive park entrance, not to exceed 30 minutes duration, may be undertaken as needed during various phases of construction. To minimize traffic disruptions, safety flagging personnel shall be present at the park entrance to guide vehicular ingress and egress during the closures.
  - 4) No closure of Ocean Front Park, provided under subsection 1) or 3) above, or Part B of this condition is permitted during the three-day Memorial Day and Labor Day holiday weekends, and Independence Day.
- B. The permittee may undertake additional construction closures of Ocean Front Park during bridge replacement not to exceed a total of ten (10) additional days for good cause only upon obtaining the written approval of the Executive Director authorizing such closures on specified dates. Permission for additional closures beyond the ten days for good cause authorized by the Executive Director shall be secured only through a coastal permit amendment. Any such amendment request submitted for such additional closures shall include information explaining why the closure is necessary, why the closure was not previously anticipated, assessing the scope and nature of the closure of the park, and identifying what mitigation measures will be taken to offset the additional interference with coastal public access to Ocean Front Park and Noyo Beach.
- C. All other time limits imposed on other construction activities shall remain in force.

**15. Construction Staging Area and Construction Access.**

To minimize significant adverse impacts to public access, recreational facilities, and coastal-dependent uses, the permittee shall comply with the following construction-related requirements during use of the Ocean Front Park construction staging area and North Harbor Drive construction access:

A. Ocean Front Park Staging Area

- 1) All storage of construction equipment and construction staging activities shall occur only within the 14,500-square-foot area of the existing eastern portion of the Ocean Front Park parking lot and the approximately 1.75-acre area comprising the western portion of the dredge spoils disposal basin, except during the periods identified in Special Condition No. 14 when the entire park may be closed and used for construction related activities.
- 2) Access to Ocean Front Park shall be provided through a detour constructed at the North Harbor Drive entrance to the park, as proposed by the permittee.
- 3) A temporary reconfigured parking lot consisting of twenty-one (21) standard spaces and one (1) handicapped spaces within the western half of Ocean Front Park parking lot shall be developed for park users as proposed by the permittee.
- 4) Compensatory improvements to the park's restrooms, culverts, parking lot overlays, stripping, gating, and entry drive, as proposed by the permittee, shall be installed within three (3) months following cessation of the construction staging area use.
- 5) All portions of Ocean Front Park disturbed by the construction staging area use shall be fully repaired, revegetated, and reopened to public use, as proposed by the permittee within three (3) months of bridge completion.

B. North Harbor Drive Construction Access

- 1) Permittee shall perform all necessary repairs before, during and upon cessation of the use of North Harbor Drive for construction access to maintain North Harbor Drive in a usable condition as a public street.

**16. Regional Water Quality Control Board Approval.**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall provide to the Executive Director a copy of the Waste Discharge Requirements issued by the North Coast Regional Water Quality Control Board (NCRWQCB) for the amended project, or letter of permission, or evidence that no revised discharge permit will be issued. The applicant shall inform the Executive Director of any changes to the project required by the NCRWQCB. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

#### **IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

##### **A. Coastal Zone Jurisdiction.**

The portion of the project authorized herein is located within the Coastal Commission's retained jurisdictional area at Noyo River (see Exhibit No. 4). Therefore, the permit amendment request is being processed by the Commission using the policies of Chapter 3 of the Coastal Act as the standard of review. Those portions of the project as amended within the Commission's retained jurisdiction and addressed herein include the central bridge span, piers, and abutments (generally, the portions of the bridge that extend over the river, bluff faces, totaling approximately 700 lineal feet), temporary construction trestle, and the construction staging area access road detour, and parking lot improvements within Ocean Front Park. Other portions of the project are within the coastal development jurisdiction of the City of Fort Bragg, including the bridge approaches, bridge abutments on the bluffs, the two ends of the bridge span (generally, the portions of the bridge that extend over the bluff faces and bluff tops, totaling approximately lineal 175 feet). The coastal development permit approved by the City for the portions of the original project within the City's coastal development permit jurisdiction was appealed to the Commission and acted upon by the Commission *de novo*. Only the Commission may grant an amendment to a permit previously issued by the Commission. Therefore, the Commission is concurrently reviewing Coastal Development Permit Amendment No. A-1-FTB-99-006-A1 for those portions of the proposed amendment of the project that are within the City's coastal development permit jurisdiction.

##### **B. Site Description.**

The site of the proposed amended project consists of areas within and adjacent to the State Route 1 crossing of the Noyo River. The existing Noyo River Bridge was built in 1948 and provides the main access to Fort Bragg from the south. In this area, the coastal zone boundary is located along the easterly side of the Highway 1 right-of-way [see Exhibit No. 2]. The bridge crosses the Noyo River between the 110-ft-high bluffs above the Noyo Harbor entrance. Noyo Harbor is an important regional commercial fishing center and is developed with a variety of coastal-dependent commercial-industrial and visitor-serving facilities. The port provides the only "harbor of refuge" along the California Northcoast between Bodega Bay and Humboldt Bay.

North Harbor Drive, the proposed construction access route, is a narrow, two-lane local street that intersects with State Route 1 just north of the Noyo River Bridge. From this intersection, the street runs east and southeasterly for about ½ mile descending down the approximately 110-foot-high northern river bluff into the Noyo Harbor area. At the base

of the bluff, the street switchbacks in a northwesterly direction and runs parallel to the river through the harbor area terminating just below the Noyo River Bridge at the entrance to Ocean Front Park.

Ocean Front Park, owned and managed by the Noyo Harbor District, lies along the north bank of the river west of the bridge. With the exception of a 38-space parking lot, restrooms, and a trail to the adjoining City-owned/managed Noyo Beach, the park is unimproved. Recreational use of the park is primarily limited to beach access and viewing of marine traffic transiting the river jetties. Overnight parking and camping is prohibited. Vehicles are prohibited on the beach except by City permit. Wood cutting and removal is permitted. Adjoining the park on a mid-slope terrace to the north is the 4±-acre Noyo River dredge spoils upland disposal site.

The Noyo River northern bank slope is vegetated with non-native trees, shrubs, and a mixture of ruderal forbs and grass species, including black wattle (Acacia melanoxylon), eucalyptus (Eucalyptus sp.), french broom (Genista monspessulana), scotch broom (Cytisus scoparius), and pampas grass (Cortaderia sp.), and perennial ryegrass (Lolium perenne).

### **C. Project Description.**

The original permit as approved by the Commission authorized replacing the existing two-lane, 36-ft.-wide Noyo River Bridge with an 86.6-ft.-wide, 875-ft.-long, triple cast-in-place (CIP) concrete box girder bridge. The replacement bridge would accommodate four 12-ft. lanes, a 12-ft. median, 8-ft. outside shoulders with 6-ft. sidewalks placed on both sides. Construction of the bridge would require the installation and subsequent removal of temporary falsework and trestles involving: 1) the driving of approximately 224 temporary piers displacing approximately 2,000 sq. ft. of the river; and 2) the construction of an approximately 30,000 sq. ft. temporary trestle for construction access.

Under the originally approved, Coastal Development Permit No. 1-98-100, an area totaling approximately 12,702 square feet would be occupied by equipment and materials during bridge replacement work near Pier 3. The original permit also authorized Caltrans to construct temporary and permanent 24-ft.-wide, approximately 200-ft.-length (±4,800 sq. ft. paving coverage) detour roads around the site of the new Pier 3 at the North Harbor Drive entrance to Ocean Front Park. The scope of the original permit also limited disruption of the park's 38-space parking lot to that related to the minor reconfiguring and re-striping of parking spaces associated with construction of the temporary park entrance detour. A plan drawing submitted with the original application did depict the boundary of a "construction easement," ostensibly for ingress and egress by construction workers and equipment, as applying over the Ocean Front Park area. However, no authorization for another construction staging area in the vicinity of Ocean Front Park was either specifically requested by the applicant or approved by the Commission. In addition, with the exception of several short-term closures, the original permit application

stated that public access to Ocean Front Park was to be maintained during construction at the Pier 3 site.

#### Proposed Construction Staging Area

The proposed amended project would allow a construction staging area to be established within the eastern 14,500 square feet of the Ocean Front Park parking lot and within the western  $\pm 1.75$  acres of the Noyo River dredge spoils disposal basin. Approximately 1.25 acres of the proposed dredge spoils basin staging area lies within the Commissions area of retained coastal development permit jurisdiction. Caltrans proposes to use the combined area of the two staging areas for placing one contractor's trailer office and fabrication of bridge components, including reinforcement bar cages, casings, form work, coffer dams, trestle assemblies, and the temporary bridge for use during the pier's construction.

Materials and equipment to be stored within the designated construction staging areas include, but are not limited to steel and timber beams, wood, sheet and pipe piles, steel cables and rigging, rebar and rebar cages, fencing, K-rail, bagged cement, pile casings, miscellaneous steel pipe and conduit, water and sewer piping, rail forms, pre-stress strand and conduit, pre-cast drainage inlets and culverts, burlene, concrete curing compound and additives, tape dust containment materials, stripped vegetation and stumps, excavated soil, aggregate, bridge demolition steel parts, strawbales, carpet and filter fabric, sprinkler system, pumps, generators, compressors, plastic sheeting, trucks, personnel vehicles, fuel and lube trucks, loaders, excavators, cranes, backhoes, concrete screed and pumbers and mixers, pavers, rollers, pile drill rig, forklift, personnel bucket hoist, scaffolding, spoils storage tanks, railroad flat cars (2-90-ft.-length), light plants, sign panels, equipment diapers and spill kits, fire fighting equipment, and other miscellaneous equipment and materials for bridge demolition and construction.

#### Revised Park Entrance Road Alignment

Caltrans also proposes to amend the configuration of the detour road at the entrance to Ocean Front Park. Instead of an approximately 300 foot-long, 24 foot-wide, two-lane detour road arcing northerly around the existing Pier 3 and returning to the parking lot just past the existing restrooms, and comprising some 7,200 sq. ft. of paving coverage, under the revised project proposal, the detour route would be extended westerly flanking the northern side of the existing parking lot before splitting into two one-way lanes each entering and exiting the parking lot, for a total length of 625 feet and involving approximately 13,200 sq. ft. of paving coverage.

#### Parking Lot Reconfiguration

To minimize impacts to the Ocean Front parking lot from establishment of the construction staging area within a portion of the existing parking lot, Caltrans proposes to reconfigure the westerly 25 single-row, perpendicular parking spaces into 19 standard, 2 compact, and 1 handicapped-accessible diagonal spaces. Under this plan, only 16



standard and 1 handicapped-accessible spaces would be unavailable during occupation of the eastern half of the parking lot by the construction staging area use.

#### Closure of Ocean Park

In addition to physically occupying the eastern half of the park, extending the entrance road detour, and reconfiguring the parking lot, Caltrans also proposes to close access to Ocean Front Park for the full bridge replacement construction period, estimated to span 910 days. Caltrans believes that full closure of the park is necessary so maximum safety can be afforded to the public from construction-related hazards and to increase the overall efficiency of the construction project by eliminating interruptions due to concurrent use of the park. Furthermore, Caltrans states that by allowing the construction to proceed without delays associated with traffic control to accommodate park user traffic, full access to all portions of the park would be renewed earlier than by keeping the park open during construction.

#### Post-construction Park Improvements

Once bridge construction has been completed, Caltrans proposes to vacate the construction staging areas and restore Ocean Front Park to full public use. In addition to restoring the occupied areas, Caltrans is proposing to conduct the following improvements:

- restore currently vandalized and inoperative restrooms to workable condition before being placed back in service;
- revegetate areas disturbed by construction activities with seed mix for erosion control;
- replace, relocate, and upgrade the existing undersized culvert located east of the existing restrooms to a location immediately west of the restrooms;
- extend the existing undersized culvert currently located immediately west of the restrooms;
- repair and replace all damaged and removed curbs associated with reconfiguring the parking lot;
- resurface and re-stripe the parking lot to its existing single-row, 38 perpendicular space configuration, and gate and leave the proposed revised park entrance detour as an alternative access for use by emergency vehicles.

#### **D. Fill in Coastal Waters and Wetlands.**

Section 30108.2 of the Coastal Act defines fill as:

*...earth or any other substance or material ... placed in a submerged area.*

Section 30233(a) of the Coastal Act reads as follows:

*The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following [including]: ...*

- (5) *Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*

Section 30230 of the Coastal Act provides:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 provides, in part:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored...*

The above policies set forth a number of different limitations on what development projects may be allowed in coastal waters. For analysis purposes, the limitations can be grouped into four general categories or tests. These tests are:

- that the purpose of the filling, diking, or dredging is for one of the eight uses allowed under Section 30233;
- that feasible mitigation measures have been provided to minimize adverse environmental effects;
- that the project has no feasible less environmentally damaging alternative; and
- that the biological productivity and functional capacity of the habitat shall be maintained and enhanced where feasible.

The originally permitted bridge replacement project entails the diking, filling, and/or dredging of coastal waters. Although there would be no additional diking, filling, or dredging of coastal waters associated with the proposed project amendment, the construction staging area use is functionally-related to and will serve the primary project. Accordingly, Commission must make findings that the project as amended remains consistent with the applicable provisions of Coastal Act Sections 30230, 30231, and 30233 in order for the Commission to authorize the amended project.

1. Alternative Analysis

The second test of Section 30233(a) is whether there are feasible less environmentally damaging alternatives to the proposed project. Coastal Act Section 30108 defines “feasible” as follows:

*‘Feasible’ means capable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, social, and technological factors.*

With respect to considering project alternatives and their variable environmental effects, the primary aspect of “the environment” affected by the proposed permit amendment is the amount and degree of public access to recreational facilities that would be maintained during project construction, particularly at Ocean Front Park and Noyo Beach. In addition to the proposed, preferred project (“Option 2”), involving closing the entire park during the entire construction period (an estimated 910 days), three other possible alternatives, some of which might potentially result in less environmental damage, were identified by Caltrans in their permit amendment application:

- a. **Option 1: Keep Ocean Front Park open during the entire Noyo River Bridge Construction Period (No project amendment alternative):** Under this alternative, the applicant would not amend the original permit as regards designating the Ocean Front Park staging area. Only small portions directly adjacent to the existing and new Pier 3 locations would be occupied by construction equipment and materials. The temporary park entrance detour would only be routed to clear the Pier 3 area, and the parking lot would only be affected during construction re-routing of the detour. Ocean Front Park would remain open to public use, except for occasional short-term closures of 15-30 minute duration.
- b. **Option 2: Full closure of Ocean Front Park during the entire Noyo River Bridge Construction Period (Preferred Alternative):** Ocean Front Park would be closed for the entire 910-day estimated bridge construction period. The eastern  $\pm 14,500$  sq. ft. of the park’s parking lot and western  $\pm 1.75$  acres of the dredge spoils disposal pond would be used as construction staging areas with the western portion reconfigured into 23 spaces. The park entrance detour would be extended

westerly and would be retained after construction for use as a secondary emergency vehicle access.

- c. **Option 3: Partial closure of Ocean Front Park with several intermittent complete closures:** This alternative would provide for concurrent public access and use of Ocean Front Park during bridge construction except for four intermittent full closures of one-month duration each during crucial phases of the bridge's demolition and replacement, and temporary short-term partial closures of North Harbor Drive at other times of 30 minutes or less duration. The use of the parking lot and sedimentation basin for staging areas, realignment of the park entrance road, and reconfiguration of the western half of the parking lot would be the same as that proposed under Option 2.

- d. **Option 4: Develop alternative access to Ocean Front Park from the west side of State Route 1.** Under this alternative, an alternate public access would be provided from the west side of State Route 1 down into the western half of Ocean Front Park while the eastern portion of the park was being utilized for a construction staging area. The use of the parking lot and sedimentation basin for staging areas, realignment of the park entrance road, and reconfiguration of the western half of the parking lot would be the same as that proposed under Option 2.

- a. Option 1: Keep Ocean Front Park Open During Bridge Construction

This alternative would effectively limit the applicant to occupying for construction purposes only those areas adjacent to the existing and new Pier 3 and within Ocean Front Park explicitly authorized within the original permit, totaling approximately 12,702 square feet. Other areas within the Noyo River dredge spoils upland sedimentation basin designated as a "temporary construction easement" were limited to ingress and egress, or as use for dewatering excavated materials. With the exception of temporary park access road closures of 30-minute duration, public access to Ocean Front Park would be maintained through the construction of Pier 3. Caltrans rejected this alternative because:

- The previously approved construction areas do not provide adequate space for the construction materials storage or onsite fabrication of bridge components. Without adequate room to store and assemble bridge materials, this alternative cannot be considered feasible.
- The previously approved provision for keeping Ocean Front Park open for concurrent public use except for short-term 30-minute closures would expose park users to hazardous conditions at the Pier 3 site during particularly dangerous phases of construction. This would create a significant public safety hazard and liability for the applicant and its contractor. As noted elsewhere in this report, Caltrans had not foreseen that such hazards and liabilities would be present at the Pier 3 site when it requested the original approval, as the construction scenario on which the application

was based had not anticipated the degree and intensity of fabrication and materials handling necessary to conduct construction in this area.

Although this alternative would involve less interference with coastal public access and protect oceanfront sites suitable for public recreational uses, its constraints on construction would effectively make bridge construction infeasible. In addition, public safety could be compromised if unrestricted access during particularly hazardous phases of the construction is allowed. Accordingly, the Commission finds Option 1 is not a feasible less environmentally damaging alternative to the proposed project.

b. Option 2: Close Ocean Front Park Open During Bridge Construction

This option is Caltrans preferred construction scenario for the Ocean Front Park area. The applicant states that this alternative would provide maximum safety to the public and allow a staging area to be used in a manner that would increase overall efficiency, helping the contractor to ensure timely completion of the project. By eliminating conflicts between public access and construction activities, risks to public safety would be minimized, including exposure to hazardous materials associated with both the materials to be stored at the staging area and the cleanup of heavy metals and petroleum contaminated soils that would be remediated during construction. Cleanup of the contaminated area, caused by the accumulation of lead-based paint chips and solvents from years of bridge maintenance, was approved as part of the original permit.

The applicant further contends that by eliminating interruptions to construction activities, overall impacts to public access would be reduced. Each time that public traffic is moved through the construction zone, construction workers and equipment will experience idle time when no work is occurring. Additional time would be taken up moving equipment out of the way of park traffic. This procedure repeated over and over creates an overall delay of the project and lengthens the time until bridge construction can be completed and full access to the park restored.

However, this alternative would result in substantial interference with public access and have significant adverse impacts on coastal recreational facilities. The public would be excluded from using Ocean Front Park for a full 2½-year period, with no nearby alternative public access being provided. Therefore, when compared with other alternatives (see Option 3, following), the Commission finds that this alternative is not a feasible less environmentally damaging alternative to the proposed project.

c. Option 3: Keep Ocean Front Park Open with Provisional Intermittent Closures

Under this alternative, access to Ocean Front Park would be maintained during many phases of bridge construction. An entrance road detour around the Pier 3 construction site would be developed and flaggers would be provided to minimize traffic disruptions during the temporary, 30-minute or less closures of North Harbor Drive entrance that

would still be needed to perform the bridge work. In addition, for increased safety to the public, access would need to be temporarily closed during falsework erection and removal and bridge demolition. Caltrans estimates that four temporary closures of one-month duration each would be required. Emergency vehicles would continue to have 24-hour access through the detour. The applicant indicates that several additional shorter duration closures of undisclosed length or frequency would also be necessary, but they would be negotiated with the Noyo Harbor District during construction. Caltrans would advise the District and the public of any pending closures at least two weeks prior to the closure.

Although Caltrans would prefer to fully close the park and perform bridge construction in the most expeditious manner with a minimum of disruptions, the agency has indicated that this alternative is feasible. Furthermore, the applicant has expressed its willingness to follow this alternative if its preferred alternative (Option 2) cannot be supported. Caltrans notes that this alternative would require the construction schedule to be extended by 10 to 20% (91 to 182 days), which would delay the eventual restoration of full access and use of the park by 3 to 6 months. However, in comparison with the other alternatives as discussed in subsections a. - c. above and d. below, and as conditioned as described in Section IV.D.2 below, the Commission finds that this alternative is the least environmentally damaging feasible alternative.

d. Alternative 4: Develop Alternate Access from the Westside of Highway One

Under this alternative, alternative access for the public into Ocean Front Park would be developed for use during the 910-day closure of the park's North Harbor Drive entrance. Caltrans rejected this alternative as being infeasible because the Georgia Pacific Corporation owns and controls all of the land west of State Route 1 and has declined to allow public access through its lumber mill site. Subsequently, without the approval of the property owner, Caltrans would have to resort to using its eminent domain powers to obtain a temporary public access easement through this private property. Condemnation proceedings and conducting associated appraisals to establish compensatory payment amounts would cause significant delays to the start date of construction, adversely affect project costs, and expose public highway users to seismic-related risks for a greater period of time. Accordingly, the Commission concurs with the applicant and finds that this alternative is not a feasible less environmentally damaging alternative to the proposed project.

e. Conclusion

In conclusion, the Commission finds that a feasible less environmentally damaging alternative to the proposed amended project exists in the form of "Option 3." Accordingly, the Commission attaches Special Condition No. 12, requiring Caltrans to conduct the project in the manner described under Option 3. By conditioning the project to provide for concurrent public use and allowing provisions for closures during crucial

construction phases, the amended project as conditioned is the least environmentally damaging feasible alternative.

## 2. Feasible Mitigation Measures

The third test set forth under Section 30233 is whether feasible mitigation measures can be employed to minimize the proposed fill project's adverse environmental effects. Although there will be no additional diking, filling, or dredging of coastal waters associated with the proposed project amendment, the proposed amended project will have additional potentially significant, adverse environmental effects on the environment, including: a) interference with public access from the closure of road access to Ocean Front Park and the occupation of portions of the Ocean Front Park grounds; b) degradation of water quality from further ground disturbances associated with the construction of an extended park entrance access road detour; and c) use of parts of the park for construction staging and storage of hazardous materials used in construction; and d) interference with public access by damaging the only road providing public access to the north Noyo Harbor area from the weight of construction trucks.

### Concurrent Mitigating Impacts on Public Access at Ocean Front Park

The proposed use of Ocean Front Park for a construction staging area will interfere with coastal access both in terms of the unavailability of areas within this regionally significant recreational facility occupied by the staging area areas and through limitations placed on the times the park is open to the public.

Although not the preferred alternative ("Option 2"), Caltrans has identified a feasible alternative whereby concurrent access and use of unoccupied portions of Ocean Front Park could be provided during construction activities at the Pier 3 site (i.e., "Option 3"). Modifying bridge construction plans to accommodate coexisting park use would require Caltrans to extend the estimated 910-day construction schedule by 10-20% to approximately 1,001 to 1,092 days duration. Although full closures of the park for four one-month periods during particularly dangerous phases of the project and additional closures of undisclosed duration or frequency would still be necessary, the public would not be deprived of use of Ocean Front Park for a full 2½-year period as would be the case under the proposed project alternative. Caltrans has stated its willingness to perform the bridge construction work under the provisions of Option 3 if its preferred alternative to fully close Ocean Front Park for the entire construction period is found to not be supportable by the Commission.

As the alternative has been determined by the applicant to be feasible and would minimize the adverse effects of the project as proposed to be amended on public access use of Ocean Front Park, the Commission finds that managing access use in the manner described under Option 3 would constitute a feasible and necessary mitigation measure consistent with the provisions of Section 30233 regarding feasible mitigation. Therefore,

the Commission imposes Special Condition No. 14 which requires that Option 3 be implemented. Special Condition No. 14 also includes limits on the additional undisclosed closures, limiting them to a total of ten days for good cause, and prohibiting closure during summer holiday weekends. Any additional closures beyond this allowance would cause significant adverse cumulative adverse effects to coastal access. Accordingly, Special Condition No. 14 requires that such additional closures be subject to securing a permit amendment from the Commission.

In addition, the applicant proposes to temporarily reconfigure the remaining parking spaces unoccupied by the construction staging area and develop temporary access to parking to accommodate park patrons during construction of the new bridge. This mitigation measure would further minimize the impacts of the project as amended on public access use of Ocean Front Park. Therefore the Commission imposes Special Condition No.15 requiring Caltrans to provide these temporary improvements.

In addition to post-construction actions identified within the adopted Negative Declaration Mitigation Plan [see Exhibit No. 12], that were proposed and required to be undertaken as part of the original project as conditioned, Caltrans proposes several new mitigation measures to restore and improve conditions within the park once the construction staging use has ceased. These new measures entail:

- Restoring the permanent restrooms to workable condition (they are currently vandalized and would require maintenance before being put back into service);
- Revegetating appropriate areas disturbed by construction activities with natural seed mix for erosion control;
- Replacing and upgrading the existing culvert immediately east of the existing restrooms to immediately west of the existing restrooms;
- Extending the existing culvert immediately west of the restrooms to discharge at a more appropriate energy-dissipating location at the base of the rock slope protection;
- Repairing and/or replacing all damaged and removed curbs to reconfigure the parking lot to its final layout [see Exhibit Nos. 5 and 6];
- Restriping and resurfacing the existing parking lot; and
- Gating and leaving the proposed revised detour as an alternate access for use by emergency vehicles.

These mitigation measures would help offset the effects to public access use of Ocean Front Park that would result even with implementation of the other public access



mitigation measures discussed above. The Commission attaches Special Condition No. 15 to require that these additional measures be performed as proposed by the applicant. The Commission finds that as conditioned to require (a) use of the project alternative that minimizes closure of the park to public access, (b) maximizing the public access facilities available to the public during use of portions of the park for staging activities, and (c) permanent improvements to the park upon project completion, the amended project as conditioned would provide feasible mitigation measures for the impacts of the amended project on public access use of Ocean Front park consistent with the mitigation requirements of Section 30233 of the Coastal Act.

#### Mitigating Impacts to Water Quality

Approximately 5,000 square feet of additional paving associated with development of the temporary park entrance road / permanent secondary emergency access would be placed under the amended project. Ground disturbances associated with this grading could result in additional sediment runoff into the Noyo River if not mitigated. In addition, as discussed in Finding IV B, the construction staging area will contain a variety of hazardous materials spill risks. Caltrans has submitted a draft Water Pollution Control Plan to address the potential sources of polluted runoff from the road grading and construction staging areas and identify measures to prevent, respond to, and cleanup accidental spills of hazardous materials. The Commission attaches Special Condition Nos. 12 and 13, discussed in more detail in Finding IV E, that require the applicant to amend its previously approved water pollution control, erosion control, and revegetation plans to incorporate necessary best management practices to control the water quality impacts of the amended project. The conditions require that the water pollution and erosion control plans identify best management practices to prevent and minimize polluted runoff, trap sediment, and other particulates and solids, remove or mitigate contaminants, discharge runoff from the construction site only in non-erosive manner, and following construction, control erosion by re-seeding and mulching disturbed areas with a native grass seed mix. The revegetation plan requires that all vegetation plantings consist of native, drought-tolerant plants, be completed within three (3) months after completion of construction, maintained and replaced as needed through-out the life of the project undertaken in coordination with Noyo River North Bank Revegetation Plan approved for the original permit. The conditions require that the revised plans be submitted for the review and approval of the Executive Director. As conditioned, the project as amended will minimize adverse impacts to water quality consistent with the mitigation requirements of Section 30233 of the Coastal Act.

#### Mitigating Impacts to North Harbor Drive

Although the majority of the construction access road is located within the appeal area of the City of Fort Bragg's permit jurisdiction for which a related permit amendment is concurrently being reviewed, the project as amended would also have adverse effects on coastal access through impacts to North Harbor Drive from construction traffic.

Additional surface deterioration would occur to this local street from increased construction traffic, especially from heavily laden vehicles such as concrete delivery trucks. These deteriorated areas will require repairs from time to time during the construction period, involving excavation of surface paving, recompaction of the subgrade, and installation of a new asphalt surface.

Although Caltrans has stated its intent to “maintain the existing condition of the roadway through(out) the construction project,” the agency has not proposed specific repairs that it would perform on North Harbor Drive. Moreover, without knowing the specific degree of repair work being proposed, the Commission cannot fully conclude that potential impacts to coastal access have been adequately mitigated. Therefore, the Commission includes within the attached Special Condition No. 15 a requirement that the applicant perform all necessary repairs before, during and upon cessation of the use of North Harbor Drive for construction access so as to maintain North Harbor Drive in a usable condition as a public street. As so conditioned, the project as amended will minimize adverse impacts to coastal access consistent with the requirements of Section 30210, 30211, and 30212 of the Coastal Act.

#### **4. Conclusion.**

In conclusion, the Commission finds there will be no additional diking, filling, or dredging of coastal waters associated with the proposed project amendment. The Commission also finds that the proposed amended fill project, as conditioned, is consistent with Section 30233 of the Coastal Act in that: (1) the project would be conducted in a manner consistent with the least environmentally damaging feasible alternative; and (2) the project as conditioned will employ feasible mitigation measures to minimize adverse environmental effects.

#### **E. WATER QUALITY PROTECTION**

Section 30231 of the Coastal Act provides:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

These provisions of the Coastal Act require the protection of water quality in coastal areas from polluted runoff. Construction activities in the proposed construction staging

areas could cause potential impacts on water quality, such as the runoff of wash water from the construction process into the river.

Consistent with Section 30231, Special Condition No. 12 requires the applicant to submit for the review and approval of the Executive Director a revised Water Pollution Control Plan for Ocean Front Park and the construction staging areas to prevent entry of any hazardous wastes and pollution from the Noyo River. In addition, Special Condition No. 13 requires the applicant to submit an Erosion Control and Revegetation Plan to prevent and minimize non-point source pollutants, such as sediment from ground disturbed areas and fuel and lubricant drippings from vehicular parking lots from entering coastal waters.

Caltrans has submitted a water pollution control plan for dealing with the runoff issues associated with the staging area and paving work proposed. Overall, the plan is comprehensive and identifies numerous measures to be undertaken to effectively protect water quality. Numerous best management practices are specified to address a wide assortment of water discharges and effluent types and sources. However, the plan was submitted prior to the most recent refinements to the amended project description, and contains several internal inconsistencies, especially with regard to the location of the proposed construction access.

A similar situation also exists with respect to the Caltrans proposal to revegetate bare soil areas disturbed by construction staging activities with a native grass seed mix upon completion of the staging area use. Although the proposed use of native revegetation is laudable as it would help restore and protect habitat values within the park, unless the revegetated area is maintained to prevent the introduction of non-native species, these benefits would only be temporary in nature. Since the area currently contains some non-native invasive species that could provide propagation sources to further expand into areas disturbed by the project, the revegetation plan must show how such species will be prevented from establishing in the revegetation area. In addition, the lack of effort to prevent non-native species from being established in the revegetated construction staging area may negatively affect the success of similar native revegetation efforts at the adjoining Noyo River North Bank remediation site as required under the Special Condition No. 11 of the original permit (see Exhibit No. 10).

In order for these plans to be adequately implemented as clear, understandable, and non-conflicting mitigation programs, these internal inconsistencies would need to be corrected in a finalized plan. Accordingly, it is necessary to impose a condition requiring a revised water pollution control plan and a revegetation plan for this area to achieve consistency with Section 30231. Therefore, the Commission attaches Special Condition No. 13, requiring the applicant to prepare and submit for the approval of the Executive Director a revised revegetation plan. The plan would detail both how areas disturbed by the proposed project would be revegetated with native plantings and how these efforts would be coordinated with the revegetation plan for the adjacent riverbank hazardous materials remediation area. The plan would require the permittee to monitor the success of the

native plantings for the first five years and submission of an annual report to the Commission documenting revegetation efforts.

Under the Federal Clean Water Act and the California Water Code, the North Coast Regional Water Quality Control Board (NCRWQCB) has regulatory jurisdiction over development projects that may affect the beneficial uses of “waters of the United States.” Section 30412 of the Coastal Act prevents the Commission from modifying, adopting conditions, or taking any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality. Staff consulted with the NCRWQCB about permitting requirements and potential impacts resulting from the proposed project. The NCRWQCB have indicated that they are currently reviewing whether modifications to the Waste Discharge Requirements issued as Order No. 99-IB98097RMEN for the original project in February, 1999 would be appropriate for the proposed amended project. Among other specified conditions and receiving water limitations, the Board’s requirements for the originally permitted project include a provision that “the discharge of any waste to the Noyo River and its tributaries is prohibited.” Although the original project’s Waste Discharge Requirements focused primarily on in-water construction activities (i.e., pier and piling excavations and fill), the requirements also addressed measures to control runoff from construction sites on shore. No action has been formally taken at this time, thus the Waste Discharge Requirements under Order No. 99-IB98097RMEN remain in force.

To ensure that the plan required under this condition is not in conflict with the actions of the State Water Resources Control Board (and Regional Boards), the Commission attaches Special Condition No. 16, requiring that any Waste Discharge Requirements ultimately adopted by the North Coast Regional Water Quality Control Board (NCRWQCB) be submitted to the Executive Director prior to the establishment of the staging area. Any changes required by the NCRWQCB shall require a Commission approved coastal permit amendment. In addition, as discussed above, to ensure that adverse impacts to the biological productivity and water quality of the Noyo River estuary from contaminated storm water runoff are minimized, the Commission has also attached Special Condition No. 13, requiring Caltrans to submit a revised water pollution control plan for review and approval by the Executive Director. Special Condition No. 13, requiring the revised water pollution control plan, also includes a requirement that the plan not conflict with the provisions of the pending Waste Discharge Requirements. In this manner, the Commission assures that its requirements will not conflict with the future requirements of the Regional Board, while assuring that the project has been conditioned to maintain biological productivity and the quality of coastal waters consistent with the provisions of the Coastal Act.

Therefore, the Commission finds that the proposed amended project as conditioned is consistent with Section 30231 of the Coastal Act as the quality of coastal waters will be protected.

**F. PUBLIC ACCESS AND RECREATION**

The public access and recreation policies of the Coastal Act provide, in part, as follows:

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Coastal Act Section 30211 provides:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act Section 30212(a) further states, in applicable part:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

Section 30221 of the Coastal Act provides:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

In applying the above public access policies of the Coastal Act, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

Ocean Front Park lies under and along the shoreline extending to the northwest of the existing Noyo River Bridge [see Exhibits No. 3 and 5]. The park includes a paved road along the north side of the harbor that leads to a viewpoint, restroom facility, and a parking lot at the sea entrance to Noyo Harbor. Public recreational uses include access to Noyo Beach and viewing the boats coming in and out of the harbor. The recreational and access facilities at Ocean Front Park were developed in part through a grant to the Noyo

Harbor District representing a significant public investment by the State Coastal Conservancy.

Interference with Coastal Access

The amended project as proposed has the potential for temporary adverse impacts on public access during the proposed construction period. These temporary impacts include the following:

- 1) Staging Area  
The easterly 14,500 square feet of the Ocean Front Park parking lot would be occupied for use as a construction staging and fabrication area.
- 2) Park Closure  
Public access to the Ocean Front Park would be closed for 2½ years during project construction.
- 3) Construction Access  
Potential damage to North Harbor Drive would occur from the additional construction traffic, especially from heavy construction vehicles such as concrete delivery trucks. North Harbor Drive is the sole public street leading to Ocean Front Park and the Noyo Harbor area from most of the City.

To mitigate for these temporary impacts, Caltrans proposes certain permanent improvements to enhance public access use of the area:

- At the request of the Noyo Harbor District, the temporary North Harbor Drive park entrance detour roadway would be permanently retained to provide a secondary emergency vehicle accessway construction to the park;
- Restoration of the permanent restrooms to workable condition (they are currently vandalized and would require maintenance before being put back into service);
- Revegetation of appropriate areas disturbed by construction activities with natural seed mix for erosion control;
- Replacement and upgrading of the existing undersized culvert immediately east of the existing restrooms to immediately west of the existing restrooms;
- Extension of the existing culvert immediately west of the restrooms to discharge at a more appropriate energy dissipating location at the base of the rock slope protection;

- Repairing and/or replacing all damaged and removed curbs to reconfigure the parking lot to its final layout [see Exhibit Nos. 5 and 6];
- Restriping and resurfacing the existing parking lot;
- Gating the permanently retained park entrance detour roadway as an alternate access for use by emergency vehicles and other authorized vehicles; and
- Conducting unspecified repairs to North Harbor Drive, before, during and after use of the street as a construction access route to “maintain the existing condition of the roadway through (*sic*) the life of the construction project.

However, as discussed under Finding IV.D.2, the proposed amended project would have significant effects on the recreational use of Ocean Front Park and Noyo Beach for an estimated 2½-year period if the bridge construction were to be performed pursuant to the applicant’s preferred alternative scenario. These impacts are especially significant in view of the significant public investment made by the State Coastal Conservancy to enhance the recreational values of the area. Accordingly, the Commission attaches Special Condition Nos. 14 and 15 which require Caltrans to utilize a less environmentally damaging feasible construction alternative that provides for concurrent public access use of Ocean Front Park and Noyo Beach, and requires the proposed permanent improvements to be implemented, thus serving to offset the temporary impacts of the project on recreation and public access at Ocean Front Park.

#### Construction Access Route Turning Movement Conflicts

In addition to potential roadway damage, the City of Fort Bragg has expressed its concerns regarding the proposed route of the construction corridor [see Exhibit No. 13]. Contrary to the findings of the applicant’s traffic assessment, the City is concerned that turning movement conflicts will result at the un-signalized North Harbor Drive / State Route 1 intersection, especially from those southbound construction vehicles on the highway turning left onto North Harbor Drive. Accordingly, the City has recommended that the upper entry to the construction corridor route be revised such that in-bound vehicles use the signalized intersection of State Route 1 with Cypress Avenue, two blocks further to the north. Under the City’s alternate route, in-bound construction traffic would turn onto Cypress Avenue and travel east for one block, turn right on Franklin Street, and travel two blocks south along Franklin Street before turning left onto North Harbor Drive.

In responding to this concern, Caltrans staff have reiterated the findings of the traffic analysis, and contend that given the relatively low volume of the additional construction-related traffic, the presence of a continuous left-turn lane and adequate site distance at the subject intersection, the potential for turning movement conflicts noted by the City would not be likely. Caltrans has stated that it routinely takes an adaptive management

approach to use of its construction corridors and will revise the route of construction traffic should problems arise.

Although traffic congestion is an important factor in considering new development, the particular routing of traffic flow proposed in the amended project is a coastal resource issue only insofar as the flow of traffic may affect coastal access. In this situation, the choice of the City's recommended construction access route may provide some improvement in overall traffic flow. For example, under the City's recommended route, in-bound construction vehicles coming from the north would turn at the Cypress Avenue signalized intersection, rather than at the North Harbor Drive uncontrolled intersection with Highway 1. Left-turning vehicles would be conveyed only through a left-turn pocket during the relevant phase of the signal light's sequence rather than randomly from the continuous left-turn lane at North Harbor Drive. This would conceivably alleviate any queuing backup effects during peak traffic times on the highway. In addition, under the City's suggested route, vehicles would have nominal higher mobility along North Harbor Drive as in-bound construction vehicles would have to yield the right-of-way at the Franklin Street intersection, more so than if construction vehicles were entering from North Harbor Drive.

However, in this case, the traffic flow impacts on coastal access that would result from Caltrans's proposed construction access corridor are nominal. The volume of construction traffic is estimated at 18 additional vehicles per day, spread throughout the contractor's 8 to 10-hour working day. Furthermore, unlike other situations where a sole access route is being affected, there are numerous alternative routes on several city streets that coastal access users may follow in getting to the segment of North Harbor Drive leading to and from the Noyo Harbor area. For example, if a harbor-bound coastal patron driving south on Highway 1 noticed numerous construction vehicles waiting to turn at the North Harbor Drive intersection, they could detour around the congestion on one of the numerous city streets that parallel the construction access route (i.e., South Street, Cypress Avenue, Walnut Street, etc.) to enter North Harbor Drive by way of Franklin, Myrtle, or Woodward Streets, Sequoia Circle or Hazelwood Street [see Exhibit No. 14].

Moreover, the traffic impacts resulting from the construction activities are temporary in nature and replacement of the Noyo River Bridge will ensure that safe public access continues to be provided to all the coastal areas linked by the Highway 1 bridge. Consequently, use of the route proposed by Caltrans for construction access would not result in significant adverse impacts on coastal access.

Therefore, for the reasons discussed above, the Commission finds that the project as conditioned is consistent with the public access and recreation policies of the Coastal Act.



**G. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on conformity with the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project which have been received as of preparation of this staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned in order to be found consistent with the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

**EXHIBITS:**

1. Regional Location
2. Vicinity Map
3. Project Area
4. Boundary Determination No BD-12-98: Retained Jurisdiction/Appeal Area
5. Proposed Staging Area and Parking Lot
6. Final Configuration of North Harbor Drive
7. Proposed Parking Area
8. Proposed North Harbor Drive Construction Corridor
9. Traffic Impact Analysis
10. Original Project Staff Report – Coastal Development Permit No. A-1-FTB-99-006
11. Original Project Staff Report – Coastal Development Permit No.1-98-100
12. Negative Declaration Mitigation Measures
13. Correspondence
14. Excerpt, Street Map of Fort Bragg, North Harbor Drive Vicinity

**APPENDIX A:**

**STANDARD CONDITIONS**

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

**CALIFORNIA COASTAL COMMISSION**

NORTH COAST DISTRICT OFFICE  
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EUREKA, CA 95501-1865  
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# F6a

Date Filed:	March 28, 2001
49 <sup>th</sup> Day:	May 16, 2001
180 <sup>th</sup> Day:	September 24, 2001
Staff:	Jim Baskin
Staff Report:	April 27, 2001
Hearing Date:	May 11, 2001
Commission Action:	

**STAFF REPORT:**  
**PERMIT AMENDMENT**

APPLICATION NO.: **A-1-FTB-99-006-A1**

APPLICANTS: **CALIFORNIA DEPARTMENT OF TRANSPORTATION  
(CALTRANS) DISTRICT 3**

PROJECT LOCATION: Highway One Noyo River Bridge within the City of Fort Bragg, Mendocino County

DESCRIPTION OF PROJECT  
PREVIOUSLY APPROVED: Replace the existing two-lane, 36-ft.-wide Noyo River Bridge with an 86.6-ft.-wide, 875-ft.-long, triple cast-in-place (CIP) concrete box girder bridge. The proposed bridge would accommodate four 12-ft. lanes, a 12-ft. median, 8-ft. outside shoulders with 6-ft. sidewalks placed on both sides. Construction of the bridge will require the installation and subsequent removal of temporary falsework and trestles involving: 1) the driving of approximately 224 temporary piers displacing approximately 2,000 sq. ft. of the river; and 2) constructing an approximately 30,000 sq. ft. temporary trestle for construction access.

DESCRIPTION OF  
AMENDMENT REQUEST: Request by Caltrans to: 1) use North Harbor Drive as the construction access route for work at the Pier 3 site; and 2)

designate approximately 0.5 acre of the Noyo River upland dredge spoils disposal basin as a construction staging area.

SUBSTANTIVE FILE

DOCUMENTS:

1. Noyo River Bridge Replacement Negative Declaration, Initial Study/Environmental Assessment (November, 1998);
2. Programmatic Section 4(f) Analysis for the Noyo River Bridge Replacement Project on State Route 1;
3. Project Scope Summary Report Structural Rehabilitation (Functional PSR);

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**SUMMARY OF STAFF RECOMMENDATION:**

The staff recommends that the Commission approve with conditions, the requested amendment to the coastal development permit originally granted for the replacement of the Highway 1 bridge over the Noyo River within the City of Fort Bragg. The original permit was subject to eleven special conditions and seven standard conditions. The conditions included the standard condition that all development must occur in strict compliance with the proposal as set forth in the application for permit. In addition, Special Condition No. 5 required the applicant to comply with all Mitigation Measures specified in the adopted Mitigated Negative Declaration attached as Exhibit No. 17 of the staff report for Permit Application No. 1-98-100. The bridge replacement project as originally proposed and permitted did not identify North Harbor Drive as the construction access route for the estimated 16,400 total vehicular trips ( $\pm 18$  average daily trips) to the Pier 3 construction site on the north bank of the Noyo River, or identify specific construction staging areas. Furthermore, the Mitigated Negative Declaration stated that construction of the bridge would not independently generate additional traffic, or impact existing transportation systems and patterns of circulation except in beneficial ways.

Caltrans now proposes to amend the bridge replacement project to specifically identify using North Harbor Drive as the construction access route. Caltrans believes that establishing the construction access is a necessary feature that must be included in the Commission's permit authorization in order for the bridge replacement project to be feasibly conducted in a safe and efficient manner. Unfortunately, a specific construction access route area was not included in the original permit application. To mitigate for impacts to the roadway, the applicant proposes to maintain the road in its existing condition throughout the life of the construction project.

Staff believes that, as conditioned, the development with the proposed amendment is consistent with the City of Fort Bragg's certified Local Coastal Program and the access policies of the Coastal Act and will not result in significant adverse impacts to coastal resources, such as the public access afforded by North Harbor Drive, during construction

of the replacement bridge, or the water quality of the Noyo River from construction staging area related runoff.

The staff recommendation imposes conditions that would minimize interference with public coastal access and impacts to road infrastructure, allowing the applicant to utilize North Harbor Drive as a construction corridor subject to repairs being made to keep the route useable for public street access to high priority coastal-dependent, visitor-serving, and recreational uses within the Noyo Harbor area. In addition, the staff recommendation requires Caltrans to submit for the approval and review of the Executive Director a revised Water Pollution Control Plan to include best management practices for avoiding polluted runoff from the proposed construction staging areas.

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**STAFF NOTES:**

**1. Background.**

On March 12, 1999, Coastal Permit No. A-1-FTB-99-006 (Caltrans) was approved by the Commission with seven special conditions intended to address public trust concerns, environmentally sensitive habitat, public access, visual, water quality, and other coastal resource issues. A copy of the revised findings for approval of the report containing the adopted special conditions is attached as Exhibit No. 10 of this report. Special Condition No. 5 requires the applicant to comply with all mitigation measures identified within the Mitigated Negative Declaration adopted for the project. Special Condition No. 6 gave the option to Caltrans to construct a public scenic viewing area at the Noyo Headlands or provide a \$1 million in-lieu mitigation fee that could be used by an approved third party to construct the viewing area or a similar public access improvement elsewhere in the Fort Bragg coastal zone to offset visual resource impacts of the replacement bridge. Special Condition No. 7 established that any future modifications to the replacement bridge, its railings, sidewalks, shoulders, traffic lanes, or median would require a permit amendment to be secured from the Commission. Special Condition No. 8 required that all construction debris be promptly removed from the site following completion of construction and disposed of at an authorized disposal site. Special Condition No. 9 requires the applicant to monitor and report on the condition compliance for a period of three years during and after construction. Finally, Special Condition No. 10 requires Caltrans to submit and receive approval from the Executive Director of a pollution prevention plan prior to commencing construction. Finally, Special Condition No. 11 similarly required Caltrans, prior to commencement of construction, to submit and obtain Executive Director approval of an erosion control and revegetation plan.

The conditions of the original permit were met and remain in effect. Upon satisfying all prior-to-issuance conditions, the coastal development permit was issued on March 25, 1999. Revised findings for the permit were adopted by the Commission on February 16,

2000. On February 9, 2001, all prior-to-commencement-of-construction conditions were satisfied. On October 10, 2001, citing changes in circumstances that would make construction of the replacement bridge under the terms of the existing permit infeasible, Caltrans applied for the subject permit amendment.

## **2. Procedural Note.**

Section 13166 of the California Code of Regulations states that the Executive Director shall reject an amendment request if: (a) it lessens or avoids the intent of the approved permit; unless (b) the applicant presents newly discovered material information, which he or she could not, with reasonable diligence, have discovered and produced before the permit was granted.

Regarding the first prong of the permit amendment acceptance criteria, the Executive Director has determined that the proposed amendment would lessen or avoid the intent of the originally approved permit with regard to coastal access, recreational facilities, and water quality. The original permit issued by the Commission contemplated that: 1) construction of the bridge would not independently generate additional traffic; and 2) existing transportation systems or present patterns of circulation would not be impacted except in a beneficial manner. Accordingly, the proposed amendment request is not consistent with the intent of the originally approved permit as it would result in potentially significant impacts to the sole road access to coastal-dependent uses within the Noyo Harbor Area from use of North Harbor Drive as the construction corridor route to the Pier 3 site that had not been described in the original permit application.

With respect to the second test, whether newly discovered material information has been presented which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted, the Executive Director has determined that the applicant has provided such previously unavailable information. The original permit application was prepared by Caltrans and considered by the Commission under an accelerated time schedule. Only five weeks elapsed between when the appeal of the City of Fort Bragg's action to approve the permit with conditions was filed and the Commission took action on the *de novo* permit. Permit processing had been driven by recognition of the compelling need to expedite permit issuance so that a crucial surface transportation structure could be replaced without delay. Specifically, the design of the existing bridge had been found to lack seismic integrity and posed an impending threat to public safety from potentially collapsing during a major earthquake. Accordingly, the original permit proposal focused on the coastal resource issues associated with the replacement bridge once built (i.e., visual and environmentally sensitive resource impacts) with less consideration being given to the construction phase activities.

Since the granting of the permit, Caltrans has awarded a contract to MCM Construction, Inc. to construct the replacement bridge. Although the bridge must ultimately be constructed to state and federal highway specifications, the contractor is granted

significant latitude in the exact manner by which the bridge is to be constructed. In preparing its construction plans, the contractor subsequently discovered that several aspects of the construction scenario initially envisioned by Caltrans could not feasibly be accomplished given the project's budget and site constraints. For example, the original scenario had not fully considered the specific access route by which construction-related vehicles, equipment, and supplies would access the bridge construction site.

This situation caused Caltrans to reevaluate the construction logistics and determine that certain amendments to the permit were needed in order for the bridge replacement project to remain viable. Additionally, Commission staff have discovered that certain crucial details regarding access to construction staging, storage, and fabrication sites were omitted in the original permit application's project description and consequently were not included within the scope of the Commission's authorization. For these reasons, Caltrans has applied for the subject permit amendment.

Therefore, based on the information presented by Caltrans, the Executive Director has found that the proposed amendment is based on newly discovered material information, which the applicant could not, with reasonable diligence, have discovered and produced before the permit was granted. Accordingly, the Executive Director has accepted the amendment request for processing.

**3. Concurrent Review of Coastal Development Permit Amendment Request No. 1-98-100-A1.**

The Noyo River Bridge replacement project is bisected by the boundary between the Commission's area of retained coastal development permit jurisdiction and the permit jurisdiction of the City of Fort Bragg. Accordingly, pursuant to Section 30600 *et seq.* of the Coastal Act, the applicant must obtain separate coastal development permits for each portion of the project lying within the two jurisdictions. Amendments to these permits are to be issued separately, each addressing only those portions of the original permit lying within the respective jurisdiction, if any, affected by the amendment. In this case, the proposed revised project entails changes to authorized development within both the Commission's original and appellate jurisdiction areas. Accordingly, the Commission must consider and take action on two separate, but functionally related permit amendments.

The applicant has submitted site plans and related information and materials that propose to amend the originally approved project description. For those portions of the bridge replacement project within the appeal area of the City of Fort Bragg permit jurisdiction, the revised site plan proposes to: (a) utilize North Harbor Drive as the construction corridor route to the Ocean Front Park construction staging area; and (b) designate approximately .50 acres of the Noyo River upland dredge spoils disposal basin as a construction staging area. All other issues of the proposed permit amendment concerning access to the Pier 3 construction site along North Harbor Drive and those portions of the



staging areas within the Commission's original permit jurisdiction are addressed in the associated staff report for Coastal Development Permit Amendment No. 1-98-100-A1.

**4. Impacts of Construction Traffic.**

In their letter of April 20, 2001 (see Exhibit No. 13), a concern was raised by the City of Fort Bragg regarding traffic congestion impacts that construction traffic may have on the Highway 1 and city streets. Although the project may adversely affect traffic flow, the congestion of streets within the City will not have a significant adverse effect on the public's ability to access the coast, because the impacts associated with the proposed development are temporary construction phase traffic impacts that will ultimately result in the safe ability of the public to access this area of the coast.

**5. Commission Jurisdiction and Standard of Review.**

The portions of the bridge replacement project subject to this coastal development permit amendment are located within the coastal development permit jurisdiction of the City of Fort Bragg. The Coastal Commission effectively certified Fort Bragg's LCP in October of 1992. Pursuant to Section 30604(b) of the Coastal Act, after effective certification of a certified LCP, the standard of review for all coastal permits and permit amendments within the certified area is the certified LCP and the public access policies of the Coastal Act.

**6. Scope.**

This staff report addresses only the coastal resource issues affected by the proposed permit amendment, provides recommended special conditions to reduce and mitigate significant impacts to coastal resources and achieve consistency with the certified LCP and the public access and recreation policies of the Coastal Act, and provides findings for conditional approval of the amended project. All other analysis, findings, and conditions related to the originally permitted project, except as specifically affected by the proposed permit amendment and addressed herein, remain as adopted by the Commission on February 16, 2000 [see Revised Findings Staff Report for Coastal Development Permit No. A-1-FTB-99-006, dated January 21, 2000].

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**I. MOTION, STAFF RECOMMENDATION, AND RESOLUTION:**

**Motion:**

I move that the Commission approve the proposed amendment to Coastal Development Permit No. A-1-FTB-99-006 pursuant to the staff recommendation.

**Staff Recommendation of Approval:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit amendment as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**Resolution to Approve with Conditions:**

The Commission hereby approves the proposed amendment to the coastal development permit, subject to the conditions below, on the grounds that the development with the proposed amendment, as conditioned, will be in conformity with the certified City of Fort Bragg LCP and the public access policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because all feasible mitigation measures and alternatives have been incorporated to substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS:** See attached.

**III. SPECIAL CONDITIONS:**

**Note:** Special conditions Nos. 5-11 of the original permit remain in force and are included in Exhibit Nos. 10. Special Conditions Nos. 12, 15, and 16 below, are additional conditions imposed as part of Coastal Development Permit Amendment No. A-1-FTB-99-006-A1.

**12. Revised Water Pollution Control Plan for Park and Staging Areas.**

- A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT,** the applicant shall submit a revised Water Pollution Control Plan for Ocean Front Park and the construction staging areas to the Executive Director for review and approval. The plan shall be designed to prevent polluted runoff or other waste materials from entering the Noyo River. All sources and types of wastes and polluted runoff not previously addressed in the plan formerly approved pursuant to Special Condition No. 10 of the original permit (i.e., grading for park entrance road detour, dripping fuel and lubricants at the vehicular parking areas) shall be addressed in the revised plan. The plan shall be reviewed and approved by the project engineer to ensure the plan is in conformance with the engineer's recommendations. The plan shall include, but not be limited to, the following criteria and contents:

- 1) The revised plan control plan shall demonstrate that:
  - a. Runoff from all construction staging, fabrication, materials storage, parking areas, roadways and other impervious surfaces shall be collected and directed through a system of filters. The filter elements shall be designed to: (1) trap sediment, particulates, and other solids; and (2) remove or mitigate contaminants. The drainage system shall also be designed to convey and discharge runoff in excess of this standard from the construction site in non-erosive manner;
  - b. At least the following temporary erosion and sedimentation control measures shall be used during construction: straw bale barriers and silt fencing;
  - c. Following construction, erosion on the site shall be controlled to avoid adverse impacts on adjacent properties and resources through the use of re-seeding and mulching of bare soil areas with a native grass seed mix;
  - d. Run-off from the project site shall not increase sedimentation in waters of the Noyo River or the Pacific Ocean;
  - e. Best Management Practices (BMPs) shall be used to prevent entry of stormwater runoff into the construction site, the entrainment of excavated materials leaving the site, and to prevent the entry of polluted stormwater runoff into coastal waters during and following construction; and
  - f. The plan is not in conflict with the Discharge Permit Requirements of the Regional Water Quality Control Board, the California Water Resources Control Board, or the pending revised Biological Opinion and Incidental Take Statements of the National Marine Fisheries Service.
- 2) The revised plan shall include, at a minimum, the following components:
  - a. A narrative report describing all water pollution prevention, and run-off and erosion control measures to be used during construction and all permanent erosion control measures to be installed for permanent erosion control, referencing relevant best management practices (BMPs) as detailed in the "Amendment 1 Water Pollution Control Plan," as prepared by Guy Preston, PE, California Department of Transportation, dated January 14, 2001;
  - b. Revised site plans showing the location of all approved construction staging areas, the construction access corridor (North Harbor Drive), and erosion and pollution control measures, and the location of all permanent erosion control measures (i.e., parking lot culvert upgrades, revegetated areas);

- c. A schedule for installation and removal of the temporary erosion control measures, and structural and non-structural BMPs; and
  - d. A schedule for installation and maintenance of the permanent erosion and water pollution control structural and nonstructural BMPs.
- B. The permittee shall undertake development in accordance with both the approved final plans for this permit amendment and the approved Water Pollution Control Plan for the original permit. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

**15. Construction Staging Area and Construction Access.**

To minimize significant adverse impacts to public access, recreational facilities, and coastal-dependent uses, the permittee shall comply with the following construction-related requirements during use of the Ocean Front Park construction staging area and North Harbor Drive construction access:

- A. Ocean Front Park Staging Area
  - 1) All storage of construction equipment and construction staging activities shall occur only within the 14,500-square-foot area of the existing eastern portion of the Ocean Front Park parking lot and the approximately 1.75-acre area comprising the western portion of the dredge spoils disposal basin, except during the periods identified in Special Condition No. 14 when the entire park may be closed and used for construction related activities.
  - 2) Access to Ocean Front Park shall be provided through a detour constructed at the North Harbor Drive entrance to the park, as proposed by the permittee.
  - 3) A temporary reconfigured parking lot consisting of twenty-one (21) standard spaces and one (1) handicapped spaces within the western half of Ocean Front Park parking lot shall be developed for park users as proposed by the permittee.
  - 4) Compensatory improvements to the park's restrooms, culverts, parking lot overlays, stripping, gating, and entry drive, as proposed by the permittee, shall be installed within three (3) months following cessation of the construction staging area use.
  - 5) All portions of Ocean Front Park disturbed by the construction staging area use shall be fully repaired, revegetated, and reopened to public use, as proposed by the permittee within three (3) months of bridge completion.

B. North Harbor Drive Construction Access

- 1) Permittee shall perform all necessary repairs before, during and upon cessation of the use of North Harbor Drive for construction access to maintain North Harbor Drive in a usable condition as a public street.

**16. Regional Water Quality Control Board Approval.**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT**, the applicant shall provide to the Executive Director a copy of the Waste Discharge Requirements issued by the North Coast Regional Water Quality Control Board (NCRWQCB) for the amended project, or letter of permission, or evidence that no revised discharge permit will be issued. The applicant shall inform the Executive Director of any changes to the project required by the NCRWQCB. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

**IV. FINDINGS AND DECLARATIONS**

The Commission finds and declares the following:

A. Coastal Zone Jurisdiction.

The portion of the amended project authorized herein, consisting of the use of North Harbor Drive for construction access and establishment of a 0.5-acre portion of a proposed construction staging area in the Noyo River upland dredge spoils disposal basin, are located within the appeal area of the City of Fort Bragg's certified Local Coastal Program (see Exhibit No. 4). Therefore, the permit amendment request is being processed by the Commission using the policies of certified LCP and the public access policies of the Coastal Act as the standard of review. Other portions of the amended project, including the remainder of the proposed staging area in the dredge spoils disposal basin, the 14,500 sq. ft. construction staging area within Ocean Front Park, the access road detour, and parking lot improvements within Ocean Front Park, are within the Commission's original coastal development jurisdiction. Those portions of the amended project are addressed in the associated staff report for Coastal Development Permit Amendment No. 1-98-100-A1.

B. Site Description.

The site of the proposed amended project consists of areas within and adjacent to the State Route 1 crossing of the Noyo River. The existing Noyo River Bridge was built in

1948 and provides the main access to Fort Bragg from the south. In this area, the coastal zone boundary is located along the easterly side of the Highway 1 right-of-way [see Exhibit No. 2]. The bridge crosses the Noyo River between the 110-ft-high bluffs above the Noyo Harbor entrance. Noyo Harbor is an important regional commercial fishing center and is developed with a variety of coastal-dependent commercial-industrial and visitor-serving facilities. The port provides the only “harbor of refuge” along the California Northcoast between Bodega Bay and Humboldt Bay.

North Harbor Drive, the proposed construction access route, is a narrow, two-lane local street that intersects with State Route 1 just north of the Noyo River Bridge. From this intersection, the street runs east and southeasterly for about ½ mile descending down the approximately 110-foot-high northern river bluff into the Noyo Harbor area. At the base of the bluff, the street switchbacks in a northwesterly direction and runs parallel to the river through the harbor area terminating just below the Noyo River Bridge at the entrance to Ocean Front Park. The road is presently in poor condition, with numerous ruts and potholes within its chip-seal overlay over its entire length.

Noyo Harbor is an important regional commercial fishing center and is developed with a variety of coastal-dependent commercial-industrial and visitor-serving facilities. The port provides the only “harbor of refuge” along the California Northcoast between Bodega Bay and Humboldt Bay.

Ocean Front Park, owned and managed by the Noyo Harbor District, lies along the north bank of the river west of the bridge. With the exception of a 38-space parking lot, restrooms, and a trail to the adjoining City-owned/managed Noyo Beach, the park is unimproved. Recreational use of the park is primarily limited to beach access and viewing of marine traffic transiting the river jetties. Overnight parking and camping is prohibited. Vehicles are prohibited on the beach except by City permit. Wood cutting and removal is permitted. Adjoining the park on a mid-slope terrace to the north is the 4±-acre Noyo River dredge spoils upland disposal site.

The Noyo River northern bank slope is vegetated with non-native trees, shrubs, and a mixture of ruderal forbs and grass species, including black wattle (Acacia melanoxylon), eucalyptus (Eucalyptus sp.), french broom (Genista monspessulana), scotch broom (Cytisus scoparius), and pampas grass (Cortaderia sp.), and perennial ryegrass (Lolium perenne).

### **C. Project Description.**

The original permit as approved by the Commission authorized replacing the existing two-lane, 36-ft.-wide Noyo River Bridge with an 86.6-ft.-wide, 875-ft.-long, triple cast-in-place (CIP) concrete box girder bridge. The replacement bridge would accommodate four 12-ft. lanes, a 12-ft. median, 8-ft. outside shoulders with 6-ft. sidewalks placed on both sides. Construction of the bridge would require the installation and subsequent

removal of temporary falsework and trestles involving: 1) the driving of approximately 224 temporary piers displacing approximately 2,000 sq. ft. of the river; and 2) the construction of an approximately 30,000 sq. ft. temporary trestle for construction access.

Under the originally approved Coastal Development Permit No. A-1-FTB-99-006, Caltrans was authorized to construct those portions of the replacement bridge located within the coastal permit jurisdiction of the City of Fort Bragg. A plan drawing submitted with the original application did depict the boundary of a “construction easement,” ostensibly for ingress and egress by construction workers and equipment, as applying over the Ocean Front Park and Noyo River dredge spoils disposal basin areas. However, no authorization for a particular construction access route to the Ocean Front Park construction site was either specifically requested by the applicant or approved by the Commission.

#### Construction Vehicle Access Route

The proposed amended project would allow North Harbor Drive to be used as the construction access route to the Pier 3 construction staging area at Ocean Front Park. Construction related traffic, estimated at a total of an additional 16,400 total trips ( $\pm 18$  Average Trips Daily (ATD)) to traffic levels on North Harbor Drive over the 910-day construction period. Of the estimated 16,400 trips, approximately 3,600 (22%) would be concrete delivery trucks, roughly 3,700 (23%) would be delivery trucks containing materials, supplies, and equipment, and about 9,000 (55%) would be light trucks and passenger vehicles entering and leaving the construction site. As proposed, construction related vehicles travel through town on Main Street (State Route 1), turn left at an unsignalized intersection onto North Harbor Drive and proceed down North Harbor Drive the Noyo Harbor area to the Pier 3 construction staging area at the eastern entrance to Ocean Front Park. The return route for the vehicles would be the reverse of the in-haul route. Caltrans proposes to “maintain the existing condition of the roadway through (*sic*) the life of the construction project,” but has not provided specific information as to the amount and type of road improvements that they would undertake to carry out this portion of the proposed amended project. Caltrans has indicated that the agency will coordinate with the City on repairing construction traffic related damage to the roadway.

#### Proposed Construction Staging Area

The proposed amended project would allow a construction staging area to be established within the eastern 14,500 square feet of the Ocean Front Park parking lot and within the western  $\pm 1.75$  acres of the Noyo River dredge spoils disposal basin. Approximately 0.5 acre of the proposed dredge spoils basin staging area lies within the coastal development permit jurisdiction of the City of Fort Bragg. Caltrans proposes to use the combined area of the two staging areas for placing one contractor’s trailer office and fabrication of bridge components, including reinforcement bar cages, casings, form work, coffer dams, trestle assemblies, and the temporary bridge for use during the pier’s construction.

Materials and equipment to be stored within the designated construction staging areas include, but are not limited to steel and timber beams, wood, sheet and pipe piles, steel cables and rigging, rebar and rebar cages, fencing, K-rail, bagged cement, pile casings, miscellaneous steel pipe and conduit, water and sewer piping, rail forms, pre-stress strand and conduit, pre-cast drainage inlets and culverts, burlene, concrete curing compound and additives, tape dust containment materials, stripped vegetation and stumps, excavated soil, aggregate, bridge demolition steel parts, strawbales, carpet and filter fabric, sprinkler system, pumps, generators, compressors, plastic sheeting, trucks, personnel vehicles, fuel and lube trucks, loaders, excavators, cranes, backhoes, concrete screed and pumpers and mixers, pavers, rollers, pile drill rig, forklift, personnel bucket hoist, scaffolding, spoils storage tanks, railroad flat cars (2-90-ft.-length), light plants, sign panels, equipment diapers and spill kits, fire fighting equipment, and other miscellaneous equipment and materials for bridge demolition and construction.

**D. Public Access.**

The public access and recreation policies of the Coastal Act provide, in part, as follows:

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Coastal Act Section 30211 provides:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Coastal Act Section 30212(a) further states, in applicable part:

*Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...*

Section 30221 of the Coastal Act provides:

*Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be*



*accommodated on the property is already adequately provided for in the area.*

The public access and recreation policies of the City of Fort Bragg's certified LCP include the following:

*Policy III-11: Vertical Access from North Harbor Drive. One vertical access from the bottom of North Harbor Drive to the proposed lateral access along the Noyo River shall be required as a condition of permit approval.*

*Policy III-15: Prescriptive Rights. The City will protect the public's constitutionally guaranteed rights of access to and along the shoreline by ensuring that new development will not interfere with the public's right of access where acquired through use.*

In applying the above public access policies of the Coastal Act, the Commission is limited by the need to show that any denial of a permit application based on this section, or any decision to grant a permit subject to special conditions requiring public access is necessary to avoid or offset a project's adverse impact on existing or potential access.

Ocean Front Park lies under and along the shoreline extending to the northwest of the existing Noyo River Bridge [see Exhibits No. 3 and 5]. The park includes a paved road along the north side of the harbor that leads to a viewpoint, restroom facility, and a parking lot at the sea entrance to Noyo Harbor. Public recreational uses include access to Noyo Beach and viewing the boats coming in and out of the harbor. The recreational and access facilities at Ocean Front Park were developed in part through a grant to the Noyo Harbor District representing a significant public investment by the State Coastal Conservancy.

The amended project as proposed has the potential for temporary adverse impacts on public access during the proposed construction period. These temporary impacts include the following:

- 1) Construction Access  
Potential damage to North Harbor Drive would occur from the additional construction traffic, especially from heavy construction vehicles such as concrete delivery trucks. North Harbor Drive is the sole public street leading to Ocean Front Park and the Noyo Harbor area from most of the City.

To mitigate for these temporary impacts, Caltrans proposes:

- Conducting unspecified repairs to North Harbor Drive, before, during and after use of the street as a construction access route to “maintain the existing condition of the roadway through (*sic*) the life of the construction project; and
- Revegetation of appropriate areas disturbed by construction activities with natural seed mix for erosion control.

#### Interference with Coastal Access

Although a traffic assessment has been prepared concluding that the traffic volume will not have significant effects to the level of service on North Harbor Drive, use of this local street as the construction corridor route for the anticipated 16,400 construction related vehicle trips could significantly contribute to roadway section impacts and accelerate the need for maintenance. Due to the existing degraded roadbed conditions, the substantial weight of concrete delivery trucks that would be traveling this route, and the lack of detail regarding Caltrans intentions to maintain the roadway, the City of Fort Bragg has expressed its concerns regarding the continued viability of North Harbor Drive to function as the Noyo Harbor’s sole public street access.

Accordingly, given the importance for maintaining public vehicular access to the Noyo Harbor area for its coastal-dependent uses, and visitor-serving and public recreational facilities, Commission attaches Special Condition No. 15. Special Condition No. 15 requires the applicant perform all necessary repairs before, during and upon cessation of the use of North Harbor Drive for construction access so as to maintain North Harbor Drive in a usable condition as a public street. As so conditioned, the project as amended will minimize adverse impacts to coastal access consistent with the requirements of Section 30210, 30211, and 30212 of the Coastal Act.

#### Construction Access Route Turning Movement Conflicts

In addition to potential roadway damage, the City of Fort Bragg has expressed its concerns regarding the proposed route of the construction corridor [see Exhibit No. 13]. Contrary to the findings of the applicant’s traffic assessment, the City is concerned that turning movement conflicts will result at the un-signalized North Harbor Drive / State Route 1 intersection, especially from those southbound construction vehicles on the highway turning left onto North Harbor Drive. Accordingly, the City has recommended that the upper entry to the construction corridor route be revised such that in-bound vehicles use the signalized intersection of State Route 1 with Cypress Avenue, two blocks further to the north. Under the City’s alternate route, in-bound construction traffic would turn onto Cypress Avenue and travel east for one block, turn right on Franklin Street, and travel two blocks south along Franklin Street before turning left onto North Harbor Drive.

In responding to this concern, Caltrans staff have reiterated the findings of the traffic analysis, and contend that given the relatively low volume of the additional construction-related traffic, the presence of a continuous left-turn lane and adequate site distance at the

subject intersection, the potential for turning movement conflicts noted by the City would not be likely. Caltrans has stated that it routinely takes an adaptive management approach to use of its construction corridors and will revise the route of construction traffic should problems arise.

Although traffic congestion is an important factor in considering new development, the particular routing of traffic flow proposed in the amended project is a coastal resource issue only insofar as the flow of traffic may affect coastal access. In this situation, the choice of the City's recommended construction access route may provide some improvement in overall traffic flow. For example, under the City's recommended route, in-bound construction vehicles coming from the north would turn at the Cypress Avenue signalized intersection, rather than at the North Harbor Drive uncontrolled intersection with Highway 1. Left-turning vehicles would be conveyed only through a left-turn pocket during the relevant phase of the signal light's sequence rather than randomly from the continuous left-turn lane at North Harbor Drive. This would conceivably alleviate any queuing backup effects during peak traffic times on the highway. In addition, under the City's suggested route, vehicles would have nominal higher mobility along North Harbor Drive as in-bound construction vehicles would have to yield the right-of-way at the Franklin Street intersection, more so than if construction vehicles were entering from North Harbor Drive.

However, in this case, the traffic flow impacts on coastal access that would result from Caltrans's proposed construction access corridor are nominal. The volume of construction traffic is estimated at 18 additional vehicles per day, spread throughout the contractor's 8 to 10-hour working day. Furthermore, unlike other situations where a sole access route is being affected, there are numerous alternative routes on several city streets that coastal access users may follow in getting to the segment of North Harbor Drive leading to and from the Noyo Harbor area. For example, if a harbor-bound coastal patron driving south on Highway 1 noticed numerous construction vehicles waiting to turn at the North Harbor Drive intersection, they could detour around the congestion on one of the numerous city streets that parallel the construction access route (i.e., South Street, Cypress Avenue, Walnut Street, etc.) to enter North Harbor Drive by way of Franklin, Myrtle, or Woodward Streets, Sequoia Circle or Hazelwood Street [see Exhibit No. 14].

Moreover, the traffic impacts resulting from the construction activities are temporary in nature and replacement of the Noyo River Bridge will ensure that safe public access continues to be provided to all the coastal areas linked by the Highway 1 bridge. Consequently, use of the route proposed by Caltrans for construction access would not result in significant adverse impacts on coastal access.

Therefore, the Commission finds that the project as conditioned is consistent with the public access and recreation policies of both the certified LCP and Chapter 3 of the Coastal Act.

**E. PROTECTION OF NOYO RIVER**

Section 18.61.0205 of the Zoning Ordinance of the City of Fort Bragg's certified LCP states, in applicable part:

- A. *The City shall protect all environmentally sensitive habitat areas against any significant disruption of habitat values.*
  - 1. *Development in areas adjacent to environmentally sensitive areas shall be sited and designed to prevent impacts which would significantly degrade such areas...*
- B. *Specific Criteria. The following standards provide guidelines for development occurring near a sensitive habitat area:*
  - 1. *Sensitive habitat areas. Environmentally sensitive habitat areas shall include, but not be limited to the following:*
    - a. *Intertidal and marine areas...*

These LCP provisions require the protection of environmentally sensitive habitat area values from development in adjacent areas. The proposed amended project lies adjacent to the mouth of the Noyo River. As this portion of the river is a intertidal and marine area, it is an environmentally sensitive habitat area as defined by Section 18.61.0205(B)(1) of the Zoning Code. Therefore, the proposed construction staging area at the Noyo River upland dredge spoils disposal basin constitutes development adjacent to an environmentally sensitive habitat area.

Construction activities in the proposed construction staging areas could cause potential impacts on water quality, such as the runoff of wash water from the construction process into the river. Caltrans has submitted a water pollution control plan for dealing with the runoff issues associated with the proposed staging area. Overall, the plan is comprehensive and identifies numerous measures to be undertaken to effectively protect water quality. Numerous best management practices are specified to address a wide assortment of water discharges and effluent types and sources. However, the plan was submitted prior to the most recent refinements to the amended project description, and contains several internal inconsistencies, especially with regard to the location of the proposed construction access.

In order for the plan to be adequately implemented as a clear, understandable, and non-conflicting mitigation program, these internal inconsistencies would need to be corrected in a finalized plan. Accordingly, it is necessary to impose a condition requiring a revised water pollution control plan and a revegetation plan for this area to achieve consistency with Section 30231. Therefore, the Commission attaches Special Condition No. 12. Special Condition No. 12 requires that the applicant to submit for the review and

approval of the Executive Director a revised Water Pollution Control Plan for Ocean Front Park and the construction staging areas to prevent entry of any hazardous wastes and pollution into the Noyo River.

Under the Federal Clean Water Act and the California Water Code, the North Coast Regional Water Quality Control Board (NCRWQCB) has regulatory jurisdiction over development projects that may affect the beneficial uses of “waters of the United States.” Section 30412 of the Coastal Act prevents the Commission from modifying, adopting conditions, or taking any action in conflict with any determination by the State Water Resources Control Board or any California regional water quality control board in matters relating to water quality. Staff consulted with the NCRWQCB about permitting requirements and potential impacts resulting from the proposed project. The NCRWQCB have indicated that they are currently reviewing whether modifications to the Waste Discharge Requirements issued as Order No. 99-IB98097RMEN for the original project in February, 1999 would be appropriate for the proposed amended project. Among other specified conditions and receiving water limitations, the Board’s requirements for the originally permitted project include a provision that “the discharge of any waste to the Noyo River and its tributaries is prohibited.” Although the original project’s Waste Discharge Requirements focused primarily on in-water construction activities (i.e., pier and piling excavations and fill), the requirements also addressed measures to control runoff from construction sites on shore. No action has been formally taken at this time, thus the Waste Discharge Requirements under Order No. 99-IB98097RMEN remain in force.

To ensure that the plan required under this condition is not in conflict with the actions of the State Water Resources Control Board (and Regional Boards), the Commission attaches Special Condition No. 16, requiring that any Waste Discharge Requirements ultimately adopted by the North Coast Regional Water Quality Control Board (NCRWQCB) be submitted to the Executive Director prior to the establishment of the staging area. Any changes required by the NCRWQCB shall require a Commission approved coastal permit amendment. In addition, as discussed above, to ensure that adverse impacts to the biological productivity and water quality of the Noyo River estuary from contaminated storm water runoff are minimized, the Commission has also attached Special Condition No. 12, requiring Caltrans to submit a revised water pollution control plan for review and approval by the Executive Director. Special Condition No. 12, requiring the revised water pollution control plan, also includes a requirement that the plan not conflict with the provisions of the pending Waste Discharge Requirements. In this manner, the Commission assures that its requirements will not conflict with the future requirements of the Regional Board, while assuring that the project has been conditioned to maintain biological productivity and the quality of coastal waters consistent with the provisions of the Coastal Act.

Therefore, the Commission finds that the proposed amended project as conditioned is consistent with Section 18.61.0205 of the Zoning Ordinance of the City of Fort Bragg’s

certified LCP as environmentally sensitive habitat areas would be protected against any significant disruption of habitat values.

**F. California Environmental Quality Act:**

Section 13096 of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as modified by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect that the activity may have on the environment.

The Commission incorporates its findings on conformity with the Coastal Act at this point as if set forth in full. These findings address and respond to all public comments regarding potential significant adverse environmental effects of the project which have been received as of preparation of this staff report. As discussed herein, in the findings addressing the consistency of the proposed project with the Coastal Act, the proposed project has been conditioned in order to be found consistent with the Coastal Act. Mitigation measures which will minimize all adverse environmental impacts have been required. As conditioned, there are no feasible alternatives or mitigation measures which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found to be consistent with the requirements of the Coastal Act to conform to CEQA.

**EXHIBITS:**

1. Regional Location
2. Vicinity Map
3. Project Area
4. Boundary Determination No BD-12-98: Retained Jurisdiction/Appeal Area
5. Proposed Staging Area and Parking Lot
6. Final Configuration of North Harbor Drive
7. Proposed Parking Area
8. Proposed North Harbor Drive Construction Corridor
9. Traffic Impact Analysis
10. Original Project Staff Report – Coastal Development Permit No. A-1-FTB-99-006
11. Original Project Staff Report – Coastal Development Permit No.1-98-100
12. Negative Declaration Mitigation Measures
13. Correspondence
14. Excerpt, Street Map of Fort Bragg, North Harbor Drive Vicinity

**APPENDIX A:**

**STANDARD CONDITIONS**

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable amount of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director of the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.